

Appln No. 10/764,085
Amdt date June 19, 2006
Reply to Office action of March 17, 2006

REMARKS/ARGUMENTS

Claims 18-21, 23, 25, 30-33 and 39-40 are in the present application, of which only claim 18 is independent. Claims 22, 24, 26-29 and 34-38 are cancelled herein. Claims 18-21, 23, 25, 30 and 33 have been amended herein. New claims 39 and 40 have been added. Applicant respectfully requests that the rejection of 18-21, 23, 25 and 30-33 be withdrawn and that they be allowed. Applicant further requests that the newly added claims 39 and 40 be examined on the merits, and be allowed.

I. Objection to the Specification

The specification is objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner indicated that the "tenon receiving mortise" language of claim 19 does not appear in the specification. As the "tenon receiving mortis" language has been deleted from claim 19, this objection is now moot. Therefore, Applicant requests that the objection to the specification be withdrawn.

II. Rejection of Claims 18 and 19 under 35 U.S.C. § 112

Claims 18 and 19 have been rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention because claim 18 recites the limitation "said first and second ends" in line 8. As claim 18 has been amended herein, and that particular phrase no longer appears in claim 18, Applicant requests that the rejection of claims 18 and 19 under 35 U.S.C. § 112 be withdrawn as being moot.

III. Rejection of Claims 18 and 19 under 35 U.S.C. § 102

Claims 18 and 19 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,256,203 ("Moore"). In rejecting these claims, the Examiner contends "[t]he Moore reference discloses an apparatus which is capable of applying a layer of fluid onto a workpiece moving relative to the apparatus for use with a fluid container comprising

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a nozzle N1 comprising a cap mounted to a fluid container M1 and defining an axis (see Figs. 7-11) . . . an outer wall comprised of projections (a projection proximate reference number 103 and a projection at the free end of the nozzle, see Figs. 10 and 11) and recesses (recesses formed by the passages 109 not construed as the two orifices) . . ."

In doing so, the Examiner appears to equate the cylindrical walls formed at the top and bottom of the groove 111 in FIGs. 10 and 11 of Moore with the "projections" in claim 18 of the present application. To anticipate a claim, however, the reference must teach every element of the claim. Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

Claim 18 is amended herein, and now it recites in a relevant portion, "an outer wall having a first end which is extended from said cap and a second end, wherein said cap and said nozzle has a fluid passage which defines an axis . . . wherein said outer wall has plural projections and recesses, said projections being parallel to said axis, wherein said projections are configured corresponding to a pocket formed in a workpiece and defined by a pocket wall, so as to allow the fluid to flow in-between said recesses and said pocket wall of the workpiece, wherein the layer of fluid is defined by the distance between said pocket wall and said recess." (Emphasis Added).

The cylindrical walls at the top and bottom of the groove 111 in FIGs. 10 and 11 of Moore appear to be concentrically formed with the groove 111. Applicant does not see how these cylindrical walls in FIGs. 10 and 11 of Moore can be construed as "said projections being parallel to said axis" defined by the fluid passage as in claim 18. Therefore, Moore does not teach every element of claim 18, and hence, claim 18 is not anticipated by Moore. Therefore, Applicant requests that the rejection of claim 18 be withdrawn and that it be allowed.

Since claim 19 depends from claim 18, it incorporates all the terms and limitations of claim 18 in addition to other limitations, which together further patentably distinguish claim 19 over the cited references. Therefore, Applicant requests that the rejection of claim 19 be withdrawn and that it be allowed.

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IV. Claims 20, 21, 23, 25, 30-33 and 39-40

Claims 20, 21, 23, 25 and 30-33 have been amended herein to depend, directly or indirectly, from claim 18. New claims 39 and 40 also depend indirectly from claim 18. Since claims 20, 21, 23, 25, 30-33 and 39-40 depend, directly or indirectly, from claim 18, they each incorporate all the terms and limitations of claim 18 in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that claims 20, 21, 23, 25, 30-33 and 39-40 be allowed as well.

V. Concluding Remarks

In view of the foregoing amendments and remarks, Applicant earnestly solicits an early issuance of a Notice of Allowance with claims 18-21, 23, 25, 30-33 and 39-40. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to contact the Applicant's attorney at the number listed below.

Respectfully submitted,
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